

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

HB 1449 – SB 2274

March 21, 2016

SUMMARY OF BILL: Requires a child to be notified of certain rights when taken into custody due to suspicion that the child has committed a delinquent act or unruly conduct that places the child in jeopardy of being removed from the home and prohibits interviewing or interrogating the child unless the child's legal counsel, parent, guardian, or custodian is present. Requires a video recording to be made of any interview or interrogation of the child.

ESTIMATED FISCAL IMPACT:

On March 17, 2016, a fiscal note was issued for this bill with an estimated fiscal impact as follows:

*Increase Local Expenditures – Exceeds \$56,000/One-Time**
*Exceeds \$11,200/Recurring**

Based on additional information provided by the Administrative Office of the Courts, adding the language "including any interview or interrogation" to Tenn. Code Ann. § 37-1-126 (a)(1) will extend the right to counsel; given this additional information, the estimated fiscal impact has been corrected as follows:

(CORRECTED)

Increase State Expenditures – Exceeds \$214,600/Indigent Defense Fund

Increase Local Expenditures – Exceeds \$56,000/One-Time*
Exceeds \$11,200/Recurring*

Corrected Assumptions:

- Any impact to provide notification to children concerning their rights when taken into custody is estimated to be not significant.
- Based on information provided by the Administrative Office of the Courts, there were 5,366 juveniles appointed counsel in FY14-15.
- The current rate paid for appointed counsel under Supreme Court Rule 13 is \$40 per hour.
- Assuming at least the same volume and at least one one-hour pre-petition or complaint interview at which counsel would have to be present under the proposed legislation, the

HB 1449 – SB 2274 (CORRECTED)

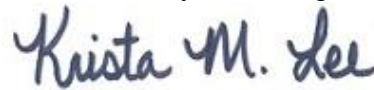
recurring increase in state expenditures is estimated to be at least \$214,640 (5,366 juveniles x \$40 per hour).

- It is reasonable to presume that requiring video recordings to be made when interviewing or interrogating a child will increase expenditures for law enforcement agencies when taking children into custody.
- Based on information provided by local sources, there are approximately 449 law enforcement agencies that would be responsible for video recording any interview or interrogation of a child concerning a delinquent act or unruly conduct.
- It is estimated that a minimum of 25 percent of these agencies would need to purchase cameras, camera related hardware and equipment, and perhaps video archiving technology, including but not limited to servers or server space, in order to meet the provisions of the bill as amended.
- At least 112 (449 x 25.0%) local law enforcement agencies will require acquisition of cameras and other related technology to effectuate the purposes of this legislation.
- A minimum cost of \$500 for any camera related technology.
- The mandatory one-time increase in local expenditures is estimated to exceed \$56,000 (112 minimum agencies x \$500) statewide.
- Assuming additional recurring costs for maintenance, video archiving server space, depreciation and other related costs estimated to exceed 20 percent of all equipment costs, the mandatory and recurring increase in local expenditures is estimated to exceed \$11,200 (\$56,000 x 20.0%) statewide.
- Any decrease in state and local expenditures from a potential reduction in the number of children placed in state's custody is estimated to be not significant.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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